

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BILLY MITCHELL,

Plaintiff,

-against-

THE CARTOON NETWORK, INC., a New
York Corp., CARTOON NETWORK
STUDIOS, INC., a Georgia Corporation,
TURNER BROADCASTING SYSTEM, INC.,
a Georgia Corporation, and John Does 1
through 10, fictitious designations,

Defendants.

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: 15 Civ. 5668 (AET) (LHG)

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: **DECLARATION OF**

: **DAVID C. VIGILANTE IN SUPPORT**

: **OF DEFENDANTS' MOTION TO**

: **TRANSFER VENUE**

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I, David C. Vigilante, declare as follows:

1. I am Senior Vice President and Associate General Counsel for Turner Broadcasting System, Inc. ("TBS, Inc."). In this position, I oversee litigation for TBS, Inc. and all of its subsidiaries, including, without limitation, Cartoon Network Studios, Inc. ("CNS, Inc.") and The Cartoon Network, Inc. ("TCN, Inc.).

2. I make this Declaration upon my own personal knowledge, my review of records kept in the ordinary course of business, and/or information provided to me in my capacity as Senior Vice President and Associate General Counsel for TBS, Inc.

3. In the above-captioned action, Plaintiff, Florida resident Billy Mitchell, seeks relief for what he characterizes as the unauthorized use of his identity and likeness in connection with the animated television program called “The Regular Show” (the “Program”).¹ As set forth below, none of Defendants are located in the State of New Jersey, none of Defendants’ relevant employees are located there, and none of the conduct alleged in the Complaint took place in New Jersey. Any and all potential witnesses with firsthand knowledge concerning the creation and production of the Program and the character at issue are located in the Central District of California, and the majority of the sources of proof are located there as well.

Jurisdictional Facts:

4. TBS, Inc. is a Georgia corporation with its principal place of business in Georgia. TBS, Inc. is the indirect parent of Defendants CNS, Inc. and TCN, Inc.

5. TCN, Inc. is a Delaware corporation with its principal place of business in Georgia. TCN, Inc. owns and operates The Cartoon Network, a cable television programming service which airs widely throughout the United States and internationally.

¹ Defendants are simultaneously submitting a motion to dismiss the Complaint in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6) and deny the allegations in plaintiff’s complaint or that plaintiff is entitled to any relief.

6. CNS, Inc. is a Georgia corporation with its principal place of business in Georgia. CNS, Inc.'s creative and production operations are conducted in Burbank, California, where all of its full-time employees are located.

7. Neither TBS, Inc., CNS, Inc., nor TCN, Inc. are registered to conduct business in New Jersey.

8. Neither TBS, Inc., CNS, Inc., nor TCN, Inc. have any offices, lease any property, or own any property in New Jersey.

9. Neither TBS, Inc., CNS, Inc., nor TCN, Inc. hold any bank accounts in New Jersey.

10. Neither CNS, Inc., nor TCN, Inc. have any employees based in New Jersey. TBS, Inc. has two full-time employees, who work from their homes, located in New Jersey, neither of whom performed any work on the Program in any capacity.

11. Neither TBS, Inc., CNS, Inc., nor TCN, Inc. have any other lawsuits pending in New Jersey.

Location of Potential Witnesses and Relevant Documentary Evidence:

12. Neither TBS, Inc. nor TCN, Inc. were involved in the creation or production of the Program.

13. CNS, Inc. was exclusively involved in the creation and production of the Program, including the creation of the character at issue in Plaintiff's complaint (the "Character").

14. The Program was created for CNS, Inc. by JG Quintel, a resident of California. Quintel worked with Sean Szeles and Michael Roth, both of whom reside in California, to create the Character.

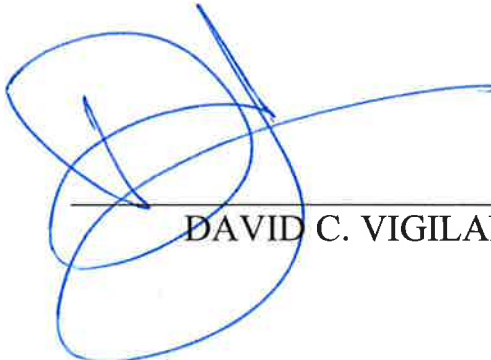
15. While 7 seasons of the Program have been released to date, the Character at issue has only appeared in 4 episodes.

16. All of CNS, Inc.'s employees, contractors, documents and other sources of proof concerning the creation and production of the Program, the Character, and the episodes of the Program containing the Character, are located in California.

17. Defendants have no witnesses, documents, or other sources of proof concerning the Program or the Character located in New Jersey.

WHEREFORE, I declare under penalty of perjury that the foregoing is true and correct.

Dated: Atlanta, Georgia
September 26, 2015



DAVID C. VIGILANTE

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